

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JACK WILLIAM WOLF,

Plaintiff,

v.

THOMAS CARROLL, DCC
MEDICAL DEPARTMENT, C/O PUSEY,
C/O CARTER and LT. SEACORD,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

C.A. No. 04-1385-GMS

JURY TRIAL DEMANDED

**MOTION OF DEFENDANT, CORRECTIONAL MEDICAL SERVICES, INC.,
TO DISMISS PLAINTIFF'S COMPLAINT¹**

COMES NOW Correctional Medical Services ("CMS"), by and through its undersigned counsel, and respectfully moves this Honorable Court to enter an Order pursuant to Federal Rules of Civil Procedure 12 (b)(1) and 12(b)(6) dismissing Plaintiff's Complaint for failure to state a claim upon which relief can be granted. In support of this Motion, CMS offers the Memorandum of Points and Authorities filed simultaneously herewith.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: /s/ Kevin J. Connors
Kevin J. Connors, Esquire #2135
1220 North Market Street, 5th Fl.
P.O. Box 8888
Wilmington, DE 19899-8888
Attorney for Defendant

DATED: May 3, 2006

¹ Correctional Medical Services, Inc. waives its right to file an Opening Brief and submits this Motion in lieu thereof pursuant to Local Rule 7.1.2. However, Correctional Medical Services, Inc. reserves the right to file a Reply Brief.